

Atty Dkt. No.: CLON-037CON
USSN: 09/839,696

REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow claims 14-17, 39-42 and 44, as well as newly added Claims 58-72, the only claims pending and currently under examination in this application.

Claim 14 has been amended to incorporate the limitations of Claims 38 and 43, and Claims 38 and 43 have been correspondingly canceled. Claim 44 has been redrafted into independent format. New Claims 58-72 find support in the previously pending claims. As the above amendments introduce no new matter, their entry by the Examiner is respectfully requested.

It should be noted that the above amendments were made solely in order to expedite allowance of the present application. In no way should the above amendments be viewed as an acquiescence by the applicants with the Patent Office regarding any position asserted in the Final Rejection dated September 9, 2004.

Claims 14-17 and 38-42 were rejected under 35 U.S.C. § 102 (b), over Mantovarra et al. and Porath et al. In view of the above amendment incorporating the limitations of Claim 43 and 38 into Claim 14, this rejection may be withdrawn.

Alty Dkt. No.: CLON-037CON
USSN: 09/839,696

CONCLUSION

In view of the above remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issuance.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: November 9, 2004

By: 

Bret E. Field
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

F:\DOCUMENT\CLON\037CON\clon-037con response to final rejection of 9-9-04.DOC